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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
**(HONORABLE THOMAS J. WHELAN)**

11 UNITED STATES OF AMERICA, ) Case No. 08CR0804-TJW  
12 Plaintiff, ) DATE: May 11, 2008  
13 v. ) TIME: 2:00 p.m.  
14 JESUS JUAN MANUEL ORTIZ, ) NOTICE OF MOTIONS AND MOTIONS TO:  
15 Defendant. )  
16 ) 1) PRESERVE EVIDENCE AND COMPEL  
17 ) PRODUCTION OF DISCOVERY;  
18 ) 2) SUPPRESS STATEMENTS;  
19 ) 3) PRESERVE AND RE-WEIGH  
20 ) NARCOTICS EVIDENCE;  
 ) 4) DISMISS INDICTMENT BECAUSE  
 ) D R U G S T A T U T E I S  
 ) UNCONSTITUTIONAL;  
 ) 5) DISMISS INDICTMENT DUE TO  
 ) I M P R O P E R G R A N D J U R Y  
 ) INSTRUCTION; AND  
 ) 6) GRANT LEAVE TO FILE FURTHER  
 ) MOTIONS

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY; AND  
BILL HALL, ASSISTANT UNITED STATES ATTORNEY:

PLEASE TAKE NOTICE that, on August 20, 2007, at 9:00 a.m., or as soon thereafter as counsel may be heard, defendant Miguel Contreras-Contreras, by and through his attorneys, Erica K. Zunkel and Federal Defenders of San Diego, Inc., will ask this Court to enter an order granting the following motions.

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## **MOTIONS**

Defendant Jesus Ortiz, by and through his attorneys, Erica K. Zunkel and Federal Defenders of San Diego, Inc., moves this Court pursuant to the United States Constitution, the Federal Rules of Criminal Procedure, and all other applicable statutes, case law, and local rules for an order:

- 1) Preserving Evidence and Compelling Production of Discovery;
- 2) Suppress Statements;
- 3) Providing for the Preservation and Re-Weigh of Narcotics Evidence;
- 4) Dismissing the Indictment Because the Drug Statute is Unconstitutional;
- 5) Dismissing the Indictment Because of Improper Grand Jury Instruction; and
- 6) Granting Leave to File Further Motions.

This motion is based upon the instant motions and notice of motions, the attached statement of facts and memorandum of points and authorities, the files and records in the above-captioned matter, and any and all other materials that may come to this Court's attention prior to or during the hearing of these motions.

Respectfully submitted,

DATED: April 28, 2008

/s/ Erica K. Zunkel  
**ERICA K. ZUNKEL**  
Federal Defenders of San Diego, Inc.  
Attorneys for Mr. Ortiz